1   The last thing with respect to EIF is that

2   in Mr. Miller's testimony he states that this is a

3   universal specification which sort of suggests this

4   is some kind of standard or universally used format

5   for sending orders or whatever perhaps throughout the

6   country.

7   Well this could not be further from the

8   truth. It is true that NYNEX submitted EIF for

9   consideration to what is called the ECIC committee,

10   communications committee that looks at mechanized

11   standards for exchanging data, and in the recent

12   results from this committee, the committee had with

13   five or six proposals on the table. They've been

14   looking at since November, specific to preordering,

15   since preordering has been quite a bit of debate.

16   On March 7th they did take a vote. The

17   voting members of this committee looked at five

18   different technologies, NYNEX being included with

19   their EIF proposal.

20   JUDGE STEIN: I'm going to interrupt you,

21   unless you have firsthand experience with this

22   committee, I'm not sure that this is the forum.

23   I'd be happy to have a report of the

24   transactions of this committee and where it

1   stands. It has been an issue, but perhaps you

2   do have firsthand experience but, if not, I'd

3   rather have it in another form?

4   THE WITNESS: (Spivy) We can certainly

5   provide minutes of the committee members.

6   JUDGE STEIN: Or a writeup if there's

7   differences about it.

8   A   (Spivy) I think the result is critical

9   here, that of the five that were being evaluated

10   NYNEX's was evaluated as the least favorable

11   alternative, and the industry will be moving forward

12   with an EDI, using what's called a transport protocol

13   called TCPIP. They will be moving forward with that

14   industry standard for all the preordering exchanges

15   of data.

16   And so for us we've seen this moving in

17   this direction and we certainly, this is a critical

18   thing for a large national CLEC as ourselves will be

19   looking to implement industry standards throughout

20   the country for these interfaces.

21   MR. ROWE: Point of information: Are we

22   going to do this by report or bring the witness'

23   testimony?

24   JUDGE STEIN: I don't think we can take any

1   testimony.

2   JUDGE BRILLING: You will be providing the

3   minutes of that March 7th meeting?

4   MR. COHEN: We'll provide it.

5   BY JUDGE STEIN:

6   Q   You're not providing this now?

7   A   (Spivy) I'm providing this to counsel.

8   JUDGE STEIN: Provide it.

9   A   (Spivy) I have given him the point of

10   contact. Moving away from EIF, I just really want to

11   make a final few points on the ordering, the business

12   processes that NYNEX is using in particular. Not

13   allowing migration as specified is causing

14   considerable amount of development for our systems.

15   I know that AT&T has had some similar

16   issues. I'm not sure of other CLECs that have been

17   working this issue with NYNEX but we have made no

18   progress and I don't know how much detail I have time

19   to go into here.

20   BY MR. KLEIN:

21   Q   What--

22   A   Migration specified whereby a CLEC can

23   place an order with NYNEX and specify merely what the

24   customer wants, exactly what the customer wants, so

1   if the customer wants call waiting, we take the

2   customer order verbatim.

3   What NYNEX is offering, we would have to

4   use the status what's called migration with changes

5   and this type of ordering we have to specify what is

6   specifically everything that needs to come off of the

7   old NYNEX account and then what we want to be added

8   on to this customer, so we indicate all of the

9   outgoing and incoming activity on that account.

10   BY JUDGE STEIN:

11   Q   So you'd be saying "take off call waiting;

12   put on call forwarding?"

13   A   (Spivy) Take off NYNEX's Gold Package, put

14   on, you know, basic call waiting. What where--our

15   challenges with that is that NYNEX has a very broad

16   offering of different kinds of packages and

17   configurations of services and we will not be just, I

18   guess, transferring that over directly. We might

19   package that differently, present that to the

20   customer differently. Our representative ends up

21   having to learn all of NYNEX offerings in addition to

22   just learning their own service offerings for local

23   service.

24   BY MR. KLEIN:

1   Q   Do you have the customer service record to

2   be able to do that, the CSR?

3   A   (Spivy) Yes, to accurately identify what is

4   being taken off and what is coming back on, you would

5   have to obtain a customer service record for every

6   single order.

7   BY JUDGE STEIN:

8   Q   And the customer might not know all the

9   things that they are receiving?

10   A   (Spivy) Yes. We found that customers may

11   not know specifically, as specifically as we would

12   need to know from the customer service record. You

13   know, we would go through the whole series of

14   offerings and try to ensure that they, that they are

15   getting exactly what they want just as if they were

16   ordering a new line, but with this particular

17   business process, a CSR and detailed analysis of the

18   CSR is required for every single order we submit,

19   which is certainly something in some cases that it is

20   really preferred to look at the CSR of a customer.

21   You have certain customers with really complex

22   offerings that really need to do that comparison and

23   with a number of offers and others.

24   BY MR. KLEIN:

1   Q   If I can interpose a question about the

2   CSR. What is the process for obtaining a customer

3   service record from NYNEX? Through what system do

4   you get that and how well is that system working?

5   A   (Spivy) It is my understanding this is

6   offered with the graphical user interface and I spoke

7   earlier about some of the response time issues we

8   found with that problem. I believe this may also be

9   a capability that we can use an EIF type of

10   transaction to get the CSR as well.

11   JUDGE STEIN: Excuse me, if you're going to

12   go back to things that in your affidavit that we

13   have, you don't need to do that because that is

14   already part of the record. If there is

15   anything you want to add, that's fine and I

16   think Mr. Hoe would also want to odd *R add

17   something SPAOEUF PAOEUF thank you. I think as

18   far as repair, I think the affidavit summarizes

19   our deissues with regard to repair. I'm pretty

20   much done here but I wanted to give some very

21   specific examples -F what we encountered thus

22   far in AUR trial and THAPBG you for your time.

23   BY MR. KLEIN:

24   Q   I have a follow-up question as well

1   Q   I have a follow-up question as well

2   regarding the trial you described. Over what time

3   period was that conducted and what kind of numbers

4   did you use in that trial?

5   A   (Spivy) Really, the base of the trial

6   primarily activity has been going on, I think most of

7   the trial set up was going on in January and actual

8   provisioning for resale services was going on during

9   February and March.

10   The two phases where we had a, I guess,

11   about approximately four lines that we were

12   migrating, installing and configuring business lines,

13   and as well as residential lines, pair exchange

14   services and their features.

15   So that was one stage of the trial. The

16   next stage was using employees and trying to

17   provision alternative service lines to their

18   residences, for example, and that sample set with

19   approximately 50. At least the initial provisioning

20   was just being concluded within the last week.

21   Q   Have you had any discussions with

22   representatives from NYNEX regarding the results of

23   your test and, if so, what did they tell you

24   regarding some of the problems you've stated here?

1   A   (Spivy) We've been communicating with Jean

2   Rogers our account manager, properly with each of the

3   issues we find and summary of all the issues we found

4   throughout the trial. That's been our primary means

5   of communication. We're still waiting to get a lot

6   of feedback. A lot of issues have come up more

7   recently.

8   Q   Thank you. Mr. Hou?

9   A   (Hou) Thank you. I just wanted to provide

10   some closing statements about this migration that is

11   specified issue. One is we do not dispute the idea

12   of being able to get the customer review. It accepts

13   a system methodology on how the orders should be sent

14   to NYNEX.

15   It was our understanding in the

16   collaborative process NYNEX would follow, adhere to

17   standards as much as they. We assumed NYNEX would

18   support a migration and specify process which was

19   approved by the standards, it is utilized by

20   Bell-Atlantic, Pacbell, BellSouth. Again, as Nene

21   mentioned, migration specified, we talked to the

22   customer and we only identify what services we want

23   or what the customer wants.

24   What is the impact from a CLEC perspective

1   of having to use NYNEX's process? The impact is as

2   Nene mentioned we have to build within our systems

3   support for every single NYNEX product or what they

4   call universal service operating code, ordering code,

5   and with that in mind that's extra work that we also

6   have to maintain.

7   Bear in mind, I believe NYNEX from a retail

8   perspective will be continually providing new

9   offerings, new product packages in which they will be

10   regenerating new USOCs and which will have to go

11   update our systems bus and tie. Besides identifying

12   what a customer wants, we have to identify what a

13   customer doesn't want and our systems for keeping the

14   systems have to support it and then the reps have to

15   be trained to see that on the customer service record

16   on them.

17   A   (Kouroupas) On the retail side TCG has no

18   comments, just on the unbundled element side.

19   Resale.

20   A   (Nelson) Mike Nelson on behalf of Sprint

21   Communications Limited Partnership and I'm here to

22   talk about operational systems associated with resale

23   service offerings.

24   Like others here at the table we have been

1   doing testing of our own of these systems. That has

2   been going on since the December/January timeframe.

3   I will try not to repeat things that have been said

4   before but my experiences are very similar.

5   I will also try not to repeat things that

6   are in my affidavit, but we will briefly and

7   succinctly. On preorder processes the GUI system is

8   not parity. It requires multiple entries and

9   multiple feedbacks. Also the feedback you receive

10   from the GUI system is not an affirmative response.

11   You don't get a brand new screen. You have

12   to sit there and hit return, see if anything has come

13   back, wait a few seconds, hit return, see if anything

14   has come back. You don't get a new screen. So I'm

15   sure that is much different than the systems that

16   NYNEX is used to using.

17   As far as EIF, the EIF standards for

18   preorder is not an industrial standard and you've

19   heard others say that here today. What that does

20   when a non-industry standard has been implemented by

21   a company and that's one of your choices to use, it

22   creates a very high barrier of entry for resellers.

23   Thus they have to create a unique interface

24   system to interface with that LEC. To the extent a

1   standard is adopted, then that standard can be used

2   by all companies throughout the country, all LECs

3   within New York and all LECs within the U.S.

4   The last point on preorder was mentioned

5   before was BTM information is not available, is not

6   available. Business telephone number, the billing

7   number is not available from a working telephone

8   number.

9   My experience with this is when switching a

10 line from a Sprint to a NYNEX account, that's the

11 reverse of the way we'd like to see things in the

12 future but was that I provided a working telephone

13 number to the representative and within a matter of

14 moments they were able to provide me with a BTM. So

15 in some way they have access to a system that

16 provides that information.

17   On ordering processes, the GUI is used for

18 ordering processes, also, and, again, the GUI is not

19 parity. It requires dual entry and by dual entry, I

20 mean, I enter information into my system and have to

21 wheel around and enter information into the GUI

22 system, my cost, and then you have to wait on the

23 response times.

24   Also, the GUI--and they are working on

1   improving this but the GUI provides me as a manager

2   of those systems, no management reports. Any type of

3   feedback on any order that's sent in goes back to

4   that one particular agent that sent the order and as

5   a manager, I have no access to that.

6   I have to go get that agent to look at

7   this. So it is difficult for me to manage the

8   service order process, find out what's in jeopardy,

9   what's delayed, because there is no centralized

10   reporting system for that at this time.

11   The other issue on ordering is the lack of

12   flow through capability. Without the flow through

13   capability, which means you have manual intervention,

14   all of these interface systems whether they are GUI,

15   whether they are EIF or whether they are EDI are

16   fancy E-mail systems. Essentially someone either

17   receives a fax or they receive an E-mail and they

18   have to wheel around and type it into the system

19   again.

20   There has been some progress. I guess they

21   entered some testing with four, seven or eight

22   service order types to begin this flow through

23   process, but with the EDI format that we were working

24   on, there were 39 service order types to find, and to

1   date there are at most eight types of service orders

2   with flow through capability.

3   Touching on as-specified, which was briefly

4   discussed before, I'd just like to bring up four

5   things: The fact that we do not have as-specified

6   what it means to the competitive industry.

7   One, it forces costs upon the reseller and

8   by that I mean costs in terms of I have to pay

9   someone to go look up the customer's CSR, the

10 customer service record. I have to pay seat time for

11 that.

12   In addition, I have to pay the query

13 charges that NYNEX has recently tariffed or attempted

14 to tariff for the retrieval of CSRs. I have no

15 option. Those costs are forced upon me.

16   It also forces Sprint and the other CLECs

17 to mimic the NYNEX USOCs in their own system, so I

18 have to mimic the products and services that NYNEX

19 offers. I don't want to mimic the products and

20 services that NYNEX offers. I want to provide my own

21 products and services.

22 BY JUDGE LEE:

23   Q   Do you want to enter some paragraph 10 to

24 your affidavit? This seems like the point you have

1 there. I don't know if there is more you want to add

2 to it.

3   A   (Nelson) That is all I have to say on that

4 as-specified. As far as EDI, as one of the ordering

5 processes, the EDI process that's currently being

6 promoted by NYNEX is an old version, and it's—we

7 believe it is on old version, Version 5? We're not

8 sure.

9   The current standard for EDI is Version 7,

10 and, again, if it is non-standard it forces costs on

11 the new entrants. It's a unique type of interface

12 that would increase our costs especially if every LEC

13 in the United States had a different interface type.

14   The same goes for EIF for service order

15 processing.

16   Two more issues, disconnects and repair.

17 On disconnects, when a customer leaves Sprint for

18 NYNEX or for AT&T or MCI or Community Telephone,

19 whoever, we receive no notification of that

20 disconnect other than through the bill. What we

21 requested and have not been provided is a firm

22 commitment that it will be provided is a notice of

23 disconnect.

24   The reason that's so important is the

1   customer leaves us and we don't know about it; then

2   they're going to get a bill from their new carrier?

3   They're going to get a bill from us over the same

4   time period and we want to prevent double billing.

5   It is not in anybody's best interests that occurs.

6   Then on the issue of repair, we have done a

7   lot of testing with NYNEX Repair Center, and one

8   thing--I don't want to duplicate anything that's been

9   said before, but when we call and report a trouble

10 ticket on a Sprint line, we've done this for nearly

11 two months now, the NYNEX Repair Center should not

12 take that trouble ticket because it is a Sprint

13 customer. They should refer them to their local

14 telephone provider or to Sprint.

15   What has happened, they take our trouble

16 ticket, and they are not redirecting the customer to

17 call their local telephone service provider. NYNEX

18 is committed to fix this but because it has gone on

19 for two months, that is why I'm bringing it up here.

20   So to close, my, just two general issues

21 about operational support systems; they are not a

22 parity and they're non-standard. That's all I have.

23 Thank you.

24 BY MR. KLEIN:

1   Q   Mr. Nelson, the issues which you raised

2   here today, have you raised those with NYNEX and have

3   they responded to those concerns?

4   A   (Nelson) Yes, and we have a good working

5   relationship with NYNEX. They are agreeable to talk

6   about these things, very friendly people, but we have

7   not gotten the responses that we believe we should

8   have, as far as commitments when things are going to

9   be fixed, when fixes will be in place. We're working

10 own those things right now.

11   Q   Thank you. Is there anything else on

12 resale from the competitor standpoint before we move

13 on?

14   Do you have something else, Mr. Kennedy?

15   A   (Kennedy) There is one other issue which

16 I'd like to surface and it was touched upon by the

17 recent speaker and that was we continue to have

18 Community Telephone customers contacted by NYNEX and

19 with the service referred to as their NYNEX service,

20 both through direct mail pieces, and I understand

21 that steps are being taken; however, we are still

22 having customers being contacted by indirect mail

23 pieces.

24   Secondly, after field visits either for

1 repair or for installation, approximately 40 percent

2 of our customers have called us indicating they have

3 recently gotten a call from a NYNEX employee

4 inquiring as to the status of the repair or the

5 installation of the NYNEX service.

6   And most seriously to us is we have had 15

7 and as of actually this last week our 16th customer

8 who was, after transferring over to Community

9 Telephone, had their service suspended by NYNEX for a

10 billing dispute that dates back to their time prior

11 to switching to Community Telephone, and that was a

12 situation that we were advised there was a manual

13 process put in place to prevent that from happening,

14 and it did disappear until again last week it

15 happened again, which makes me just concerned about

16 the accuracy and viability of a manual process.

17 Thank you.

18   Q   Thank you.

19   JUDGE STEIN: You have follow-up questions

20   of the NYNEX panel based on this?

21   MR. KLEIN: There's one question I wanted

22   to see where we wanted to go. I imagine there

23   are some comments NYNEX panel would like to make

24   in response to what we heard from competitors.

1   I think that would be a good idea to move on to

2   the unbundled element side unless Mr. Rowe has

3   something more?

4   MR. ROWE: We would need time to confer on

5   that. I thought we'd have whatever examination

6   we were going to have at this point and then the

7   panel will take the opportunity to follow.

8   JUDGE STEIN: We've been doing it in the

9   other order but that's okay with me because

10   there was a lot was raised in this last round.

11   Would some of the other parties' attorneys like

12   to put some questions at this point? Craig, do

13   you want to lead off?

14   Do you want to take the break to confer and

15   respond after the break? Will that be adequate?

16   MR. KLEIN: That's what would make the most

17   sense to me sitting over here. I think if you

18   want to pick up again, then go to NYNEX and—

19   JUDGE STEIN: Then we'll move on to the

20   unbundled elements after you respond. Okay, so

21   let's take from now until 4 o'clock, so,

22   gentlemen, really two and-a-half minutes apiece.

23   No mercy.

24   MR. DINGWALL: Thank you.

1   Q   Craig Dingwall for Sprint. I have a few
2 questions regarding stress testing. Has NYNEX
3 performed stress testing for its OSS systems?

4   A   (Miller) The predominant testing that NYNEX
5 executes on its systems from going to operation were
6 mainly, obviously, making sure they worked in a
7 sequential manner, they worked together with the
8 complicated systems they interface with and then, in
9 addition to that, there had to be a guarantee there
10 was not a disruption for the existing operations in
11 place with the other test. That was a significant
12 amount of the testing effort.

13   We then in fact conducted tests with a
14 nominated resale company to ensure the end-to-end
15 testing and resale was successful. In terms oF
16 stress testing per se, there was not stress testing
17 methods put in place in terms of generating mass
18 transactions and so on and forth to gather the
19 results of that. That was not.

20   MR. KLEIN: I'm sorry, Mr. Dingwall, could
21   we get an explanation as to what stress testing
22   envisions?

23   A   (Miller) I'm sorry, I thought you asked the
24 question.

1   BY MR. DINGWALL:

2   Q   What does stress test means to as you

3   understand?

4   A   (Miller) Stress test means one would take a

5   system and you would either take components of it or

6   entire end-to-end system and subject it to very high

7   volumes of traffic and understand what its strength

8   and weakness points are.

9   Q   For how many carriers has NYNEX

10   stress-tested its systems?

11   A   (Miller) I indicated there was no stress

12   testing by that definition.

13   Q   There were no carriers. That's for resale?

14   A   (Miller) That's correct.

15   Q   What about with respect to unbundled

16   network elements?

17   A   (Miller) That has not been found your

18   HRUPBLGDed net element action. Basically the same

19   place that was in place essentially.

20   Q   Does NYNEX have any idea or estimate of the

21   capacity of orders that can order, for example, 500

22   orders for month for resale?

23   A   (Miller) The capacity issue with regard to

24   the STP-PLS consequently in very component, for

1   the capacity question as to whether the underlying

2   OSS is capable of handling the traffic that is to be

3   expected because of being in the wholesale business.

4   We examined that--our calculation of that

5   indicated at present in terms of the four areas of

6   information we have at the moment, that should not be

7   an issue. I believe that the biggest impact would be

8   on the service order system potentially, and if we

9   look at the extremes of statements that have been

10   made with regard to forecast--I'm not talking about

11   forecast, I'm talking about statements that have been

12   made even publicly about forecast and the potential

13   business, we would be looking at something like the

14   order of 20 to 25 percent additional load on the

15   service order system, for example, if those

16   conditions apply.

17   Those systems in fact already experience

18   fluctuations in the order of 50 percent, for example,

19   at college sign-up time in the fall where we do

20   experience significant peaks of activities, so the

21   first element of the background OSS is we feel our

22   capacity issues are well taken care of.

23   In terms of the gateway, which is the DCAS

24   system, which is put in place to handle the incoming

1   traffic that is coming from the resellers and CLECs,

2   the issue there is the system itself is a very

3   scalable system, it essentially I based on several

4   servers and network and we apply to that technique

5   similar technique we do in planning a network in

6   determining what kind of traffic it is capable of

7   supporting.   What we have in place right now has

8   enough resource in place to handle a traffic we have

9   today.

10   The plans we have in place to expand that

11   capability through certainly the April, June, and

12   September timeframe will provide significant

13   capability of handling that kind of traffic and, if

14   we experience traffic loads that are in excess of

15   what we think are going to happen, the means of

16   adding on capability is fairly straightforward.

17   Q   I believe you mentioned in your estimate,

18   NYNEX could handle 25 percent of additional load.

19   What does that translate into actual number?   What is

20   the current load you handling?

21   A   (Miller) I think Mr. Butler mentioned this

22   morning the service order system.   We basically

23   complete about a million orders a month.   We handle

24   significantly more than that, other orders that are

1   not completed, so you can calculate that yourself, I

2   guess.

3   MR. DINGWALL: Thank you.

4   JUDGE STEIN: Yes?

5   BY MR. REUBEN:

6   Q   Mr. Miller, what do you mean a service

7   order? What does that encompass? Is the order for a

8   new customer whether it is flipping or is it any kind

9   of order, for example, to add a feature?

10   A   (Miller) In fact, the service order system

11 is capable, and in 1996, for example, handled a total

12 of 764 million transactions. There are multiple

13 transactions that are associated with a single

14 service order and basically begins--we say the

15 capacity as well can handle for that.

16   Q   When you describe a service order, does

17 that mean something as simple as calling up a

18 customer service record or is this placing an order

19 for a customer?

20   A   (Miller) The million service orders a month

21 that Mr. Butler referred to referred to the

22 provisioning of a line, I believe, as opposed to the

23 addition of a feature. Would that be correct?

24   A   (Butler) Actually no; it includes both. It

1 would not be preorder functions. The placement of a

2 service order is just, is exactly that, a request for

3 service. It could be augmenting your existing

4 service; it could be adding a brand new service.

5   Q   Does it include requests for repair?

6   A   (Butler) No.

7   Q   What is the average response time for a

8 NYNEX resale, retail representative when placing a

9 request for a customer service record for the

10 preordering system?

11   A   (Miller) The average response time depends

12 on a lot of factors, on the size of the CSR itself?

13 Each entry that a retail service rep makes to the

14 system will bring back a response of a single page of

15 a CSR.

16   A typical—a low CSR will have three or

17 four pages. In the business context. There are very

18 often 50 and well more than 50 pages of CSRs and each

19 one will require a response. A specific transaction

20 response we expect to see in terms of entering the

21 data and entering and hitting the enter button and

22 getting a response can be anywhere between 2 and 10

23 seconds for that entire process in place.

24   Q   How long does it take to find out about

1   feature availability at a particular location?

2   A   (Miller) I don't have that information

3   exactly. I can surmise that it is about the same

4   order of magnitude.

5   Q   And when a NYNEX or New York Tel retail

6   representative is finished with a customer service

7   order and hits an enter button, how soon does that go

8   into the NYNEX ordering system?

9   A   (Miller) That will enter the ordering

10   system in the same kind of timeframe that I just

11   mentioned in terms of a CSR. It will then undergo a

12   series of checks that are automated by the system and

13   at that point the rep does not get a confirmation

14   back that the order has been accepted.

15   Q   So at that point you say it goes through as

16   many minutes to CLECs to make sure the order is

17   satisfactory?

18   A   (Miller) Yes.

19   Q   And then it goes into these systems

20   automatically and instantaneously; is that correct?

21   A   (Miller) That's correct.

22   Q   Do NYNEX retail representatives have the

23   opportunity to identify a customer's bill telephone

24   number by gong to a working telephone number?